

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION (ST) NO.8229 OF 2005
IN
FIRST APPEAL (ST) NO.6570 OF 2005

Sau Padmaja Raju Shivgote & Anr.

...Applicants

Vs.

The Sangli Bank Ltd.

...Respondent

Shri Tejesh Dande & Mandira Moitra for the Applicants.

Shri R.S. Kavle for the Respondent.

CORAM : A. S. OKA, J.

DATE : JUNE 15, 2006.

P.C.:

1. Rule. The Respondent waives service. Taken up for hearing forthwith. The learned Advocate appearing for the Applicant submits that penal interest has been charged by the Respondent-Bank which is contrary to law. The impugned decree is a money decree. In view of well settled position of law, stay cannot be granted to execution of money decree unless the amount is deposited.

2. Hence, Civil Application is disposed of by passing following order:

(i) There will be interim relief in terms of prayer clause (a) subject to condition of the Applicants depositing entire decretal amount

with the Trial Court within period of ten weeks
from today.

(ii) If amount is not deposited within stipulated
time, interim stay will stand vacated without
further reference to the court.

(iii) If amount is deposited, the Respondent will be
entitled to withdraw the amount subject to
giving undertaking to bring back the amount in
case the Applicant succeeds in the Appeal.

(iv) There will be no orders as to costs.

JUDGE